

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOSE VILLANUEVA.,

Plaintiff,

v.

HEIDI WASHINGTON, *et al.*,

Defendant.

Case No. 23-12872

Honorable Jonathan J.C. Grey
Magistrate Judge Elizabeth A. Stafford

**ORDER FOR THE U.S. MARSHALS SERVICE TO USE REASONABLE
EFFORTS TO SERVE DEFENDANT COLEMAN**

Plaintiff Jose Villanueva filed this civil rights action under 42 U.S.C. § 1983. ECF No.1. The Honorable Sean F. Cox referred the case to this Court for all pretrial matters under 28 U.S.C. § 636(b)(1). ECF No. 13. 28 U.S.C. § 1915(d) requires that officers of the court “issue and serve process” when a plaintiff is proceeding in forma pauperis, and Federal Rule of Civil Procedure 4(c)(3) provides that the court appoint the Marshals Service to serve process in these cases. Together, Rule 4(c)(3) and 28 U.S.C. § 1915(d) “stand for the proposition that when a plaintiff is proceeding in forma pauperis the court is obligated to issue plaintiff's process to a United States Marshal who must in turn effectuate service

upon the defendants, thereby relieving a plaintiff of the burden to serve process...." *Byrd v. Stone*, 94 F.3d 217, 219 (6th Cir. 1996). See also *Donaldson v. United States*, 35 F. App'x 184, 185 (6th Cir. 2002) (holding that the district court has a statutory responsibility to issue an *in forma pauperis* plaintiff's service to the Marshal).

The Court granted Villanueva's application to proceed *in forma pauperis* and ordered the U.S. Marshals Service to serve process. ECF No. 5; ECF No.11. The Marshals Service tried to serve Defendant Coleman at the Parnall Correctional Facility but were informed that he no longer works there. ECF No. 12; ECF No 30. So the Court directed the MDOC to provide the Marshals Service with Coleman's last-known address. ECF No. 30. The Marshals Service attempted service at this address, but it was returned unexecuted. ECF No. 34.

The Marshals Service must now use reasonable efforts to locate and personally serve Coleman through an internet search. See *Johnson v. Herren*, No. 2:13-cv-583, 2013 WL6410447, at *2-4 (S.D. Ohio Dec. 9, 2013) (ordering the Marshals Service to take reasonable steps to locate defendant's address through an internet search). And it must inform the Court of the results of these efforts by **April 13, 2025**. See *Neal v. City of*

Detroit Police Dep't, No. 17-13170, 2018 WL 8608298, at *1 (E.D. Mich. Jan. 19, 2018).

s/Elizabeth A. Stafford
ELIZABETH A. STAFFORD
United States Magistrate Judge

Dated: March 14, 2025

NOTICE TO PARTIES ABOUT OBJECTIONS

Within 14 days of being served with this order, any party may file objections with the assigned district judge. Fed. R. Civ. P. 72(a). The district judge may sustain an objection only if the order is clearly erroneous or contrary to law. 28 U.S.C. § 636. “**When an objection is filed to a magistrate judge’s ruling on a non-dispositive motion, the ruling remains in full force and effect unless and until it is stayed by the magistrate judge or a district judge.**” E.D. Mich. LR 72.2.

CERTIFICATE OF SERVICE

The undersigned certifies that this document was served on counsel of record and any unrepresented parties via the Court’s ECF System to their email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on March 14, 2025.

s/Davon Allen
DAVON ALLEN
Case Manager